

STIPULATION, DECISION AND ORDER

Complainant, Executive Director of the Fair Political Practices Commission, Roman G. Porter, and Respondent(s) hereby agree that this stipulation will be presented to the Commission at its next regularly scheduled meeting, or as soon thereafter as the matter can be heard, as a final disposition of the Major Donor reporting violation(s) described herein.

FPPC NO. **2008-0551**

RESPONDENT: Mark Bertone/Madole & Associates
Upland, California

GOVERNMENT CODE SECTION VIOLATED: 84200

DESCRIPTION OF VIOLATION: RESPONDENT QUALIFIED AS A MAJOR DONOR COMMITTEE BUT FAILED TO TIMELY FILE THE MAJOR DONOR COMMITTEE STATEMENT, FORM 461, AS REQUIRED, WITH THE SECRETARY OF STATE.

REPORTING PERIOD(S): JANUARY 1, 2006 THROUGH JUNE 30, 2006 , and
JULY 1, 2006 THROUGH DECEMBER 31, 2006, and
JANUARY 1, 2007 THROUGH DECEMBER 31, 2007, and
JANUARY 1, 2008 THROUGH JUNE 30, 2008

REPORT DUE DATE(S): JULY 31, 2006, and
JANUARY 31, 2007, and
JANUARY 31, 2008, and
JULY 31, 2008

MONETARY PENALTY: \$1,600.00 NUMBER OF COUNTS: 4

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Political Reform Act described above and on Exhibit 1 attached have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* on the reverse side of this form and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. I have attached a check or money order made payable to the General Fund of the State of California in the amount of the penalty described above.

Dated: _____ **X** _____

Printed Name (and Title) _____

STATEMENT BY EXECUTIVE DIRECTOR:

I have reviewed the above stipulation and recommend its approval.

Dated: _____

ROMAN G. PORTER, EXECUTIVE DIRECTOR

ORDER OF THE COMMISSION:

The foregoing stipulation has been adopted by a majority vote of the Fair Political Practices Commission as its final decision and order and is effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: _____

ROSS JOHNSON, CHAIRMAN

FAIR POLITICAL PRACTICES COMMISSION

STATEMENT OF RESPONDENT'S RIGHTS

The complainant, Executive Director of the Fair Political Practices Commission, and respondent(s), both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of each Respondent named herein.

Each Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under Cal. Gov. Code Sections 83115.5, 11500, *et seq.* and 2 Cal. Code Of Regulations Section 18361, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that each Respondent has violated the Political Reform Act as described herein.

Each Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a fine in the amount specified on the face of this document, and a check or money order in said amount, payable to the "General Fund of the State of California," is submitted herewith to be held by the State of California until the Commission issues its Decision and Order.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is rejected, payments tendered shall be reimbursed to each Respondent. Each Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, no member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

**Streamlined Major Donor
Stipulation Attachment**

Case: 2008-0551

**Respondent: Mark Bertone/Madole &
Associates**

Number of Contributions Made: 41

Total Amount Contributed: \$58,375.00

Summary of Contributions Made:			
	Recipient	<u>Amount</u>	
COUNT 1			
	<u>Contributions During Reporting Period</u> <u>1/1/06-6/30/06</u>		
02/08/2006	Taxpayers for Haynes	\$5,000.00	
03/11/2006	Joe Baca Jr. for State Senate	\$ 500.00	
03/22/2006	Jeremy Baca for Assembly	\$ 500.00	
04/05/2006	Paul Biane for Supervisor	\$1,250.00	
04/19/2006	Committee to Elect Deborah Robertson	\$ 750.00	
04/21/2006	Gary Ovitt for Supervisor	\$ 500.00	
04/27/2006	Taxpayers for Haynes	\$ 500.00	
05/01/2006	Californians for Schwarzenegger 2006	\$5,000.00	
05/26/2006	Dennis Michael for Rancho Cucamonga City Council	\$2,500.00	
06/09/2006	Fontana for John Roberts	\$ 500.00	
06/09/2006	Friends of Frank Scialdone	\$ 500.00	
COUNT 2			
	<u>Contributions During Reporting Period</u> <u>7/1/06-12/31/06</u>		
07/17/2006	Committee to Elect Deborah Robertson	\$ 500.00	
07/21/2006	New Majority California PAC	\$2,500.00	
10/05/2006	Tahan for School Board	\$ 250.00	
10/12/2006	Paul Biane for Supervisor	\$2,500.00	
10/19/2006	New Majority California PAC	\$2,500.00	
10/21/2006	Californians for Schwarzenegger 2006	\$2,000.00	
COUNT 3			
	<u>Contributions During Reporting Period</u> <u>1/1/07 – 12/31/07</u>		

02/28/2007	Committee to Elect John Pomierski	\$1,000.00	
03/29/2007	Friends of Rex Gutierrez	\$1,000.00	
05/21/2007	New Majority California PAC	\$2,500.00	
05/31/2007	ChamberPAC	\$ 100.00	
06/04/2007	Paul Biane for Supervisor	\$1,200.00	
06/20/2007	New Majority California PAC	\$2,500.00	
09/29/2007	Gary Ovitt for Supervisor	\$3,000.00	
11/15/2007	Bogh Leadership Committee	\$ 500.00	
11/15/2007	Committee to Elect Brad Mitzelfelt	\$1,500.00	
11/15/2007	Committee to Elect Dick Larsen	\$1,000.00	
11/16/2007	New Majority California PAC	\$2,500.00	
12/27/2007	Paul Biane for Supervisor	\$1,250.00	
	COUNT 4		
	<u>Contributions During Reporting Period</u> <u>1/1/08-6/30/08</u>		
01/02/2008	Bob Smith for Assembly 2008	\$ 250.00	
01/02/2008	Gary Ovitt for Supervisor	\$2,500.00	
01/02/2008	Paul Biane for Supervisor	\$2,500.00	
01/02/2008	Taxpayers for Bob Huff 2008	\$ 250.00	
01/22/2008	Don Kurth for Mayor	\$ 125.00	
01/22/2008	New Majority California PAC	\$2,500.00	
02/23/2008	Committee to Elect Bill Postmus	\$ 250.00	
03/11/2008	Bob Dutton for Senate 2008	\$1,900.00	
03/18/2008	Friends of Rex Gutierrez	\$ 300.00	
03/28/2008	Committee to Elect John Pomierski	\$1,000.00	
05/22/2008	Committee to Re-Elect Sam Spagnolo	\$ 500.00	
05/22/2008	Dennis Michael for Rancho Cucamonga City Council	\$ 500.00	

Penalty Information:

<input checked="" type="checkbox"/>	Non-filer Base Penalty (\$400 per count)	\$1,600.00
<input type="checkbox"/>	Second Notice Enhancement (\$400 per count)	0
<input type="checkbox"/>	1% Enhancement for \$50,000 or more in contributions made during reporting period(s)	0
<input type="checkbox"/>	1% Enhancement for ten or more contributions made during reporting period(s)	0
	<u>TOTAL FINE</u>	<u>\$1,600.00</u>